

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS)	
)	
)	Misc. No. 09-239
KENTA TSUDA,)	
(PACER Account No. xxx2205))	
Movant.)	

ORDER

This matter is before the Court upon the application and request by Kenta Tsuda (“Tsuda”) for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts (ECF No. 80).

This Court finds that Tsuda is an individual researcher associated with an educational institution and, therefore, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Tsuda demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, Tsuda shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, to the extent such use is incurred in the course of the defined scholarly research project described in the Application for Multi-Court Exemption from the Judicial Conference’s Electronic Public Access

Fees, including the attachment (collectively, the “Application”) (ECF No. 80, 80-1).

The Court finds that the research project described in the Application is intended for scholarly research and is limited in scope in that the amount of exempt access requested is narrowly tailored to meet the project’s needs. Tsuda shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court. Additionally, the following limitations apply:

- 1) This fee exemption applies only to Tsuda and is valid only for the scholarly research project described in the Application, including the attachment;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, Tsuda agrees not to sell for profit any data obtained as a result of receiving this exemption;
- 4) Tsuda is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution on the Internet or for commercial purposes. This prohibition does not prevent Tsuda from relying upon the data obtained as a result of receiving this exemption in or in connection with a deliverable associated with the scholarly research project described in the Application;
- 5) This exemption is valid until July 31, 2024.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or his designee, may periodically review the usage of Tsuda's exempt PACER System account during the term of this exemption.

Dated: November 14, 2022

BY THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak

Chief United States District Judge

cc: PACER Service Center *(via email)*
Administrative Office of the United States Courts,
Multi-Court Exemptions Office *(via email)*
Kenta Tsuda *(via email)*